

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3                                   \* \* \*

4       SAFETY-KLEEN SYSTEMS, INC.       :   CIVIL ACTION  
5   :  
6               vs.                               :  
7   :  
8       DON R. PENNELL                       :   NO. CV-02-03565

9                                   \* \* \*

10                                   JANUARY 31, 2003

11                                   \* \* \*

12                   Oral deposition of MARTIN SILVER, taken  
13       pursuant to notice, was held at the law offices of  
14       SCHNADER HARRISON SEGAL & LEWIS, 1600 Market Street,  
15       Suite 3600, Philadelphia, Pennsylvania 19103,  
16       beginning at 9:00 a.m., before McKinley Wise, a  
17       Registered Professional Reporter and an approved  
18       Reporter of the United States District Court.

19                                   \* \* \*

20                                   \* \* \*

21                                   \* \* \*

22                                   \* \* \*

23                                   \* \* \*

24                                   ESQUIRE DEPOSITION SERVICES  
                                  1880 John F. Kennedy Boulevard  
                                  15th Floor  
                                  Philadelphia, Pennsylvania 19103  
                                  (215) 988-9191

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1       could have solicited 500 other customers that  
2       weren't Safety-Kleen customers; correct?

3                   MR. FOSTER:  Objection.

4                   Argumentative.

5                   Answer the question if you can.

6       A.        I don't even --

7                   MR. FOSTER:  I don't know how you  
8       can answer that but just --

9       A.        So if you ask it again --

10      BY MR. SLADE:

11           Q.       I'll ask it a different way.

12                   Is it fair to say, Mr. Silver, that  
13      you don't know how many customers Mr. Pennell has  
14      solicited that aren't Safety-Kleen customers?

15      A.        No.

16      Q.        It's not fair to say that?

17      A.        I have no idea how many customers or  
18      facilities he has walked in.

19           Q.       I'm going to try it one more time.

20                   Mr. Silver, can you identify any  
21      specific occasions on which Mr. Pennell has  
22      actually used Safety-Kleen confidential  
23      information in his job at Crystal Clean?

24                   MR. FOSTER:  I'll object to the

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1 form.

2 Do your best.

3 A. Specifically, I don't know of any  
4 specific customers where -- I don't believe I know  
5 of any specific customers where Don Pennell has  
6 given trade confidential secrets to, information  
7 to.

8 BY MR. SLADE:

9 Q. Mr. Silver, are you aware that Mr.  
10 Pennell and Safety-Kleen entered into a severance  
11 agreement when Safety-Kleen fired him?

12 MR. FOSTER: Object to the form.

13 A. Am I aware that there was a  
14 severance agreement? I was aware that Don was  
15 offered a severance agreement.

16 BY MR. SLADE:

17 Q. Perhaps I'll ask a broader question.

18 A. All right.

19 Q. What is the scope of your knowledge  
20 about Mr. Pennell's severance agreement?

21 A. Don told me that he had -- he was  
22 given a severance package to review. He was also  
23 given the opportunity to seek employment within  
24 the company if he chose. And I believe that he